

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Roselynd Nash,

Plaintiff,

Civ. No. 09-1437 (RHK/RLE)

ORDER

v.

JBPM, Inc., d/b/a Chisholm Jubilee
Foods,

Defendant.

This matter is before the Court *sua sponte*.

Defendant has filed a Motion for Summary Judgment in this action, which is currently scheduled to be heard on June 11, 2010 in Duluth. Defendant served its Motion and related documents on Plaintiff, who is proceeding *pro se*, by mail on April 27, 2010. (See Doc. No. 40.) In addition, Defendant sent a letter to Plaintiff, by certified mail, on May 6, 2010, advising her that her case might be dismissed if she failed to respond to the Motion. (See Doc. No. 42.) Defendant filed in the record the certified-mail receipt indicating that Plaintiff received the letter on May 17, 2010. (See Doc. No. 43.) Nevertheless, Plaintiff has failed to file a Memorandum in Opposition or seek additional time for doing so.

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that the hearing on Defendant's Motion, currently scheduled for June 11, 2010, is **CANCELED**, and the Motion will be decided on the written submissions. The

Motion is deemed submitted as of today's date. The Clerk of the Court is **DIRECTED** to mail a copy of this Order to Plaintiff at 2022 Bob Dylan Drive, Hibbing, Minnesota 55746.

Date: June 2, 2010

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge